

REMARKS

This Amendment is submitted in response to the Examiner's Action mailed June 6, 2005, with a shortened statutory period of three months set to expire September 6, 2005. Claims 1, 2, 5, 6, 8-10, 13, 14, 16-18, 21, 22, and 24 are currently pending. With this amendment, claims 1, 6, 8-10, 13-14, 16-17, 22, and 24 have been amended.

The Examiner objected to claims 1, 9, and 17 because of informalities. Specifically, the Examiner stated that the term "ones" should be "one". Applicants have amended claims 1, 9, and 17 to describe "multiple ones". Applicants have also amended dependent claims 8, 16, and 24 in the same manner in order to clarify this same issue in those claims.

The original term "ones" was plural. By adding the term "multiple", Applicants have not changed the scope of the claims but have clarified for the Examiner that the term is indeed plural. The term was originally plural. By adding the term "multiple", Applicants merely reinforce the idea that the term is plural. Thus, this amendment is proper for entry because the scope of the claims has not changed. Therefore, this objection is believed to be overcome by the amendment to the claims and should be withdrawn.

The Examiner rejected claims 9-10 and 13-14 under 35 U.S.C. § 101 stating that they are directed to non-statutory subject matter. Specifically, the Examiner stated that they are not tangibly embodied in a manner so as to be executable. Applicants have amended the claims to describe the computer program product as being encoded on a computer readable medium. Applicants have also described the instructions means as being computer executable. There is now a clear tangible embodiment of the computer program product. Therefore, this rejection is believed to be overcome by the amendment to the claims and should be withdrawn.

The Examiner rejected claims 1-2, 5-6, 8-10, 13-14, 16-18, 21-22, and 24 under 35 U.S.C. § 112, second paragraph, as being indefinite.

Regarding claims 1, 9, and 17, the Examiner stated that it is not clearly understood what is meant by "regardless of whether said first one of said plurality of priorities is a higher priority than said second one of said plurality of priorities". The

Examiner goes on to say that "since the first one is higher in priority, it's obvious that all the associated requests that [are] stored in [the] first one of the queues will be processing first". Applicants have not claimed that the first one is higher in priority. These claims make no reference to or implication as to whether or not the first one is higher in priority than the second one. Therefore, although Applicants believe the claims were not indefinite regarding this particular issue, Applicants have amended the claims and believe the rejection is overcome and should be withdrawn.

The Examiner states that Applicants might be intending to say "regardless of whether said first one of said plurality of priorities is a higher priority or not than said second one of said plurality of priorities". Applicants believe the claims were clear prior to any amendment; however, Applicants have amended these claims to describe "whether or not". Therefore, although Applicants believe the claims were not indefinite regarding this particular issue, Applicants have amended the claims and believe the rejection is overcome and should be withdrawn.

The Examiner stated that claims 6, 14, and 22 described "requests" and that it was not clear whether these requests were the claimed HTTP requests. Applicants have amended these claims to make it clear that the requests are the HTTP requests. Therefore, Applicants believe the rejection is overcome and should be withdrawn.

Applicants have amended the claims to overcome the Examiner's objection to the claims and the 101 and 112, second paragraph, rejections. Applicants have not amended the claims in response to the prior art cited by the Examiner. Applicants have not changed the scope of the claims with these amendments but have merely removed issues for appeal. Therefore, entry of this Amendment is proper.

The Examiner rejected claims 1-2, 5, 8-10, 13, 16-18, 21, and 24 under 35 U.S.C. § 103(a) as being unpatentable over HP WebQoS, published 1999, hereinafter referred to as *HP WebQoS Technology Overview* in view of "Web Server Support for Tiered Services", published by Bhatti, 1999. This rejection is respectfully traversed.

Applicants believe that the reference *HP WebQoS Technology Overview* may not be prior art. The Examiner has cited *HP WebQoS* and claims a publication date for the document of 1999. Applicants can find no confirmation that the document, supplied by the Examiner with this Examiner's Action, entitled "HP WebQoS Technology

Overview", was indeed published in 1999. The document supplied with the Examiner's Action is a six-page document.

The Examiner provides a single untitled page that appears to list several documents. There is no indication as to the origin of the single page of document listings supplied by the Examiner. There is no title or other indication as to where this page came from or how it was generated.

On this single page, and noted by the Examiner, is an entry that refers to a document entitled "HP WebQoS". This document that is referred to on the single page does not have the same title as the document that the Examiner supplied. Further, the document, "HP WebQoS", referred to on the single page, is indicated as being a one-page document. The document that the Examiner supplied is not a one-page document. It is a six-page document. It appears that the document noted by the Examiner on the single page may not be the same document that the Examiner supplied with the office actions. The document noted on the single page has a different title and is of a different length from the document that the Examiner supplied with the Examiner's Action. If the Examiner maintains this rejection over the reference entitled "HP WebQoS Technology Overview" that was supplied with the Examiner's action, Applicants request that the Examiner provide evidence of the publication date of the reference.

The Examiner states that *HP WebQoS Technology Overview* teaches the features of Applicants' claims but does not teach completing processing of one of the requests. The Examiner relies on *Bhatti* to supply the feature that is missing from *HP WebQoS Technology Overview*.

Claims 1, 9, and 17 describe completing processing of multiple ones of said plurality of HTTP requests that are stored in said first one of said plurality of different queues before beginning processing of multiple ones of said plurality of HTTP requests that are stored in said second one of said plurality of different queues. The Examiner states that *Bhatti* teaches "completing processing of one of said plurality of HTTP requests". Applicants' claims originally stated "completing processing of ones of said plurality of HTTP requests". Thus, the claims originally referred to a plural term. The claims as amended refer to multiple ones. Therefore, processing of more than one

request that is stored in the first queue is completed before beginning processing of more than one request that are stored in the second queue.

*Bhatti* teaches, as noted by the Examiner, that after a request has been selected, it will run until completion. This is a single request. Thus, *Bhatti* teaches that once a single request has been selected, it will complete. *Bhatti* does not teach that multiple ones of requests that are stored in a first queue will complete processing before beginning the processing of multiple ones of the requests that are stored in a second queue.

Further, Applicants' claims describe "regardless of whether or not said first one of said plurality of priorities is a higher priority than said second one of said plurality of priorities". Nothing in *Bhatti* teaches this feature. The Examiner has not referred to any section of *Bhatti* that teaches regardless of whether or not said first one of said plurality of priorities is a higher priority than said second one of said plurality of priorities".

The Examiner states that *HP WebQoS Technology Overview* does not teach this feature. Nothing in *Bhatti* teaches this feature. Because neither reference cited by the Examiner describes, teaches, or suggests either (1) the feature of completing processing of multiple ones of said plurality of HTTP requests that are stored in said first one of said plurality of different queues before beginning processing of multiple ones of said plurality of HTTP requests that are stored in said second one of said plurality of different queues, or (2) the feature of regardless of whether or not said first one of said plurality of priorities is a higher priority than said second one of said plurality of priorities, the combination of the two references does not describe, teach, or suggest these features. Therefore, the combination of cited references does not render Applicants' claims unpatentable.

The Examiner rejected claims 6, 14, and 22 under 35 U.S.C. § 103(a) as being unpatentable over *HP WebQoS Technology Overview* in view of *Bhatti*, and further in view of U.S. Patent 6,769,019 issued to *Ferguson*. This rejection is respectfully traversed.

The Examiner stated that neither *HP WebQoS Technology Overview* nor *Bhatti* teaches determining whether there is a backlog of pending HTTP requests waiting to be processed by said application, and in response to a determination that there is no backlog, immediately processing said one of said plurality of HTTP requests. The Examiner relies

on *Ferguson* to supply the features believed missing from both *HP WebQoS Technology Overview* and *Bhatti*.

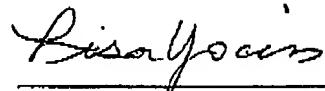
None of the cited references teaches completing processing of multiple ones of said plurality of HTTP requests that are stored in said first one of said plurality of different queues before beginning processing of multiple ones of said plurality of HTTP requests that are stored in said second one of said plurality of different queues and regardless of whether or not said first one of said plurality of priorities is a higher priority than said second one of said plurality of priorities. Thus, the combination of *HP WebQoS Technology Overview*, *Bhatti*, and *Ferguson* does not describe, teach, or suggest determining whether there is a backlog of pending HTTP requests waiting to be processed by said application, and in response to a determination that there is no backlog, immediately processing said one of said plurality of HTTP requests in combination with completing processing of multiple ones of said plurality of HTTP requests that are stored in said first one of said plurality of different queues before beginning processing of multiple ones of said plurality of HTTP requests that are stored in said second one of said plurality of different queues and regardless of whether or not said first one of said plurality of priorities is a higher priority than said second one of said plurality of priorities. Therefore, the combination of cited references does not render Applicants' claims unpatentable.

The remaining claims depend from the independent claims discussed above. Because none of the references teaches completing processing of multiple ones of said plurality of HTTP requests that are stored in said first one of said plurality of different queues before beginning processing of multiple ones of said plurality of HTTP requests that are stored in said second one of said plurality of different queues and regardless of whether or not said first one of said plurality of priorities is a higher priority than said second one of said plurality of priorities, the combination of references does not teach these features in combination with the further features of the dependent claims.

Applicants' claims are believed to be in a patentable form. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 08.03.05

Respectfully submitted,



Lisa L.B. Yociss  
Reg. No. 36,975  
Yee & Associates, P.C.  
P.O. Box 802333  
Dallas, TX 75380  
(972) 385-8777  
Attorney for Applicants